

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4871
Broadcast Music, Inc.)
Hanna Bolte)
Barbara Cane)
Cheryl Dickerson)
Linda Livingston)
Doreen Ringer-Ross)
Paige Sober)

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission from Broadcast Music, Inc. ("Respondent BMI" or "BMI"). The commission found reason to believe that Respondent BMI violated 2 U.S.C. §§ 441b(a) and 441f, and that Respondents Hanna Bolte, Barbara Cane, Cheryl Dickerson, Linda Livingston, Doreen Ringer-Ross, and Paige Sober knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. Respondents voluntarily brought this matter to the attention of the Commission and cooperated in the investigation.

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V. The pertinent facts in this matter are as follows:

1. Respondent BMI was incorporated in the State of New York in 1939. Respondent BMI is a performing rights organization which collects license fees on behalf of the songwriters, composers and music publishers whom it represents.

2. At all relevant times, Rick Riccobono was a Vice President in Respondent BMI's Los Angeles office and was in charge of that office.

3. At all times relevant hereto, Respondent Bolte was an employee in Respondent BMI's Los Angeles office.

4. At all times relevant hereto, Respondent Cane was an employee in Respondent BMI's Los Angeles office.

5. At all times relevant hereto, Respondent Dickerson was an employee in Respondent BMI's Los Angeles office.

6. At all times relevant hereto, Respondent Livingston was an employee in Respondent BMI's Los Angeles office.

7. At all times relevant hereto, Respondent Ringer-Ross was an employee in Respondent BMI's Los Angeles office.

8. At all times relevant hereto, Respondent Sober was an employee in Respondent BMI's Los Angeles office.

9. From at least October 1993 through at least November 1997, Riccobono asked certain employees to make political contributions to the campaign committee of United States

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Representative Howard Berman. Riccobono then caused these employees to be reimbursed.

The reimbursements were obtained by the creation of false expense vouchers. Specifically:

A. Respondent Bolte was reimbursed with Respondent BMI's corporate funds for a \$400 contribution that she made on or about November 14, 1997;

B. Respondent Cane was reimbursed with Respondent BMI's corporate funds for a \$400 contribution that she made on or about October 22, 1993; an \$800 contribution that she made on or about October 17, 1995; and a \$400 contribution that she made on or about November 17, 1997;

C. Respondent Dickerson was reimbursed with Respondent BMI's corporate funds for a \$400 contribution that she made on or about November 14, 1997;

D. Respondent Livingston was reimbursed with Respondent BMI's corporate funds for a \$400 contribution that she made on or about November 3, 1995; and a \$400 contribution that she made on or about November 14, 1997;

E. Rick Riccobono was reimbursed with Respondent BMI's corporate funds for an \$800 contribution that he made on or about November 3, 1995;

F. Respondent Ringer-Ross was reimbursed with Respondent BMI's corporate funds for an \$800 contribution that she made on or about October 11, 1993; an \$800 contribution that she made on or about November 3, 1995; and an \$800 contribution that she made on or about November 14, 1997;

G. Respondent Sober was reimbursed with Respondent BMI's corporate funds for a \$400 contribution that she made on or about October 22, 1993; an \$800 contribution that she

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made on or about October 17, 1995; and a \$400 contribution that she made on or about November 14, 1997.

VI. Respondent Broadcast Music, Inc., violated 2 U.S.C. § 441b(a) and § 441f by reimbursing, at the direction of its agent, Vice President Rick Riccobono, Mr. Riccobono himself and Respondents Hanna Bolte, Barbara Cane, Cheryl Dickerson, Linda Livingston, Doreen Ringer-Ross and Paige Sober, contributions to a federal candidate.

VII. Respondents Hanna Bolte, Barbara Cane, Cheryl Dickerson, Linda Livingston, Doreen Ringer-Ross and Paige Sober violated 2 U.S.C. §§ 441f by allowing their names to be used to make contributions which were reimbursed.

VIII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$19,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

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XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lois G. Lerner
Acting General Counsel

BY: Abigail A. Shaine
Abigail A. Shaine
Acting Associate General Counsel

2/21/01
Date

FOR RESPONDENTS

Kenneth A. Gross
Kenneth A. Gross, Esq.
Attorney for Broadcast Music, Inc.

2/1/01
Date

Carolyn Utrecht
Carolyn Utrecht, Esq.
Attorney for
Hanna Bolte
Barbara Cane
Cheryl Dickerson
Linda Livingston
Doreen Ringer-Ross
Paige Sober

2/7/01
Date